

NOTICE IS TIMELY FILED

3. This Notice of Removal is timely filed within thirty (30) days of this action becoming removable. *See* 28 U.S.C. § 1446 (b). The Complaint was served on the State of Tennessee Department of Commerce and Insurance on November 20, 2014, which is less than thirty (30) days from the filing of this Notice.

4. No responsive pleadings have been filed by Liberty Mutual in the State Court Action.

REMOVAL PROCEDURES

5. Removal of this case is proper under 28 U.S.C. § 1441 (a), which provides in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441 (a).

6. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441 (a). Liberty Mutual seeks to remove this case to the United States District Court for the Middle District of Tennessee. The Circuit Court of Davidson County, Tennessee is located within this District and cases arising from Davidson County are properly assigned to the Nashville Division of this Court. *See* 28 U.S.C. § 123 (b) (1).

7. In compliance with 28 U.S.C. § 1446 (a), a copy of all “process, pleadings, and orders” received by Liberty Mutual are attached hereto as **Exhibit A**.

8. Liberty Mutual has filed this Notice of Removal with this Court, is contemporaneously serving a copy of the Notice of Removal upon counsel for the Plaintiffs, and is filing a copy of this Notice of Removal in the Circuit Court for Davidson County, Tennessee

pursuant to 28 U.S.C. § 1446 (d). A copy of the Notice of Filing Removal that is being filed with the Circuit Court for Davidson County, Tennessee is attached hereto as **Exhibit B**.

DIVERSITY JURISDICTION

9. This Court has original jurisdiction over this action under 28 U.S.C. § 1332 (a), which provides: “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States.” 28 U.S.C. § 1332 (a) (1).

10. Plaintiffs are citizens and residents of Davidson County, Tennessee. (Complaint ¶ 2).

11. Liberty Mutual is an insurance company whose principal place of business is located in the Commonwealth of Massachusetts.

12. Accordingly, complete diversity of citizenship exists between the parties.

13. The \$75,000 amount-in-controversy requirement also is satisfied here. In their Complaint, Plaintiffs request monetary damages in the sum of \$200,000 (Complaint, Prayer for Relief).

CONCLUSION

WHEREFORE, Liberty Mutual respectfully requests the State Court Action now pending in the Circuit Court for Davidson, County, Tennessee be removed to the United States District Court for the Middle District of Tennessee, that this Court assume jurisdiction of this action, and enter such other and further orders as may be necessary to accomplish the requested removal.

Respectfully submitted,

HOOPER, ZINN & McNAMEE, PLLC

By: s/David T. Hooper

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal has been furnished to the Clerk's office and to Raymond G. Prince, Prince & Hellinger, P.C., 150 Second Avenue North, Suite 300, Nashville, Tennessee 37201 on the 17th day of December, 2014.

s/David T. Hooper

David T. Hooper